

REMARKS/ARGUMENTS

In the specification, the paragraph beginning at page 6, line 8 has been amended to correct minor editorial problems.

Claims 1-3, 5-11 and 15-18 remain in this application.

Claims 4 and 12-14 have been canceled.

The examiner has acknowledged that claims 15 and 18 are directed to allowable subject matter. Claims 15 and 18 have been amended, in form only, to become independent claims incorporating all intervening claims and are, therefore, considered allowable. Claims 16 and 17 have been amended to depend from claim 15 and are, also, considered allowable.

Claims 2-3 and 5-11 depend from amended claim 1. Claim 1 has been amended to include the smooth continuous top surface of the upper flange which provides additional waterproofing protection for the entire installation by eliminating any water collection points or wells. This feature is disclosed at page 6, lines 20 *et seq.* Both Potter and Rupp have fasteners penetrating the upper flange to expose the flange and the boat structure to invasion of water.

In response to the Office Action of Dec. 15, 2004, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Objections to the Drawings

The drawings have been objected to for not illustrating the claimed subject matter of Claim 4. Claim 4 has been canceled rendering this objection redundant.

Objections to the Claims

Claim 10 has been objected to as depending on itself. The claim has been amended to correct the dependency.

Rejections under 35 USC 112

Claims 2, 7, 8, 10, 14, 17 and 18 stand rejected as indefinite in the double recitation of, "centrally disposed opening." Claims 1, 15 and 18 have been amended to distinguish a, "second centrally disposed opening," to avoid any confusion as to the different components.

Claims 7 and 14 stand rejected as indefinite in the use of the term, "highly," referring to the degree of polishing. The term has been deleted from the claims.

Claim 8 stands rejected as indefinite in the recitation of, "mounting flange." This recitation has been deleted and replaced with the term, "backing plate," which is more appropriate.

Claims 10 and 17 stand rejected as indefinite in the recitation of the term, "engagement receptacle." This term has been deleted and replaced with the term suggested by the Examiner.

Claim 18 stands rejected as indefinite in the recitation of,

"said fastener." To provide antecedent basis, Claim 18 has been amended to substitute the term - -fastener- - for the term, "means," at line 14 of the amended claim.

These amendments, render the formal rejections redundant.

Rejection under 35 USC 103(a)

Claims 1-3, 5, 8-12, 16 and 17 stand rejected as obvious in view of Rupp and Potter, Jr. Rupp teaches a upper mounting plate assembly 4 that has bores 84 therethrough to receive fasteners 32 as evidenced by Fig. 1 (un-numbered dimples) above reference numerals 32; Fig. 3, reference numeral 84. These are not "concealed fasteners" as described and claimed in the instant application. Further, Rupp's mounting plate assembly is entirely disposed on the upper surface of a boat gunnel, as opposed to the claimed device having one plate on top of the gunnel and another on the other side. An installation that relies on bolts or screws is much weaker and unable to handle higher loadings found when fishing for larger fish such as marlin or when deep water fishing. When a rod holder is held in place by screws, if the threads have worn the base or if the base is soft, a large fish can quickly render the rod hold useless and will typically cost the fisherman his rod & reel.

Potter, Jr. suffers the same deficiencies incorporated in Rupp and the other conventional rod holders. The upper plates are both

on the upper surface of the gunnel with, what appears to be three screws holding the device to the boat. The screw bores are not concealed and would serve to collect water. Even if the screws were properly sealed during the initial installation, the mere presence of screws tampers permits a collection of water which can eventually travel down the screw thread causing softening of the support structure.

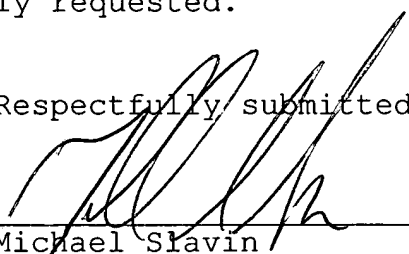
All of the other references, cited by the Examiner, are attached to the boat or support surface by bolts or screws through an upper plate. The strength of the connection is only the diameter of the screws or the nuts on the bolts, as opposed to the large surface area of a lower plate, as claimed. This type of fastening eventually weakens the base since water intrusion is inevitable.

Since none of the references teach the claimed structure, the combination of the references cannot teach the invention. The combinations would not teach one of ordinary skill in the art to make the device claimed.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



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3/14/05

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